



Town of Berwyn Heights

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MAYOR
Stephen D. Isler

COUNCIL MEMBERS
Jason W. Papanikolas (Mayor Pro Tem)
Amanda M. Dewey
Jeffrey Jay Osmond
Ethan D. Sweep

Town Meeting Minutes September 11, 2019

The meeting was called to order at 7:05 p.m. Present were Mayor Pro Tempore (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey and Ethan Sweep. Mayor Stephen Isler and CM Jeffrey Jay Osmond had an excused absence. Also present were Town Manager (TM) Maria Broadbent, Clerk Kerstin Harper, Treasurer Michelle Rodriguez, Chief Kenneth Antolik, Detective Daniel Unger, Public Works Director Kenneth Hall, Code Compliance Director Hollyce Goodwin, BHVFD Representative Matt Huddle and citizens.

1. Approval of Agenda

CM Dewey moved and CM Sweep seconded to approve the agenda. The motion passed 3 to 0.

2. Ceremonial Items

CI-11 Celebration of Hispanic Heritage Month: MPT Papanikolas read a proclamation celebrating the cultural heritage and contributions of Americans who trace their roots to Spain, Mexico, Central America, South America and the Spanish-speaking nations of the Caribbean.

3. Public Hearing

Ordinance 180 Homeowners Tax Credit: TM Broadbent said that this Ordinance seeks to reduce the impact of increasing real property tax increases on homeowners with low and fixed incomes by granting a 10% tax credit on their Berwyn Heights real property tax bill. Several homeowners have contacted the office to enquire about eligibility. To receive the Town's tax credit the applicant must first have applied and been approved for the State of Maryland's homeowners tax credit. The State's program restricts eligibility to homeowners with an annual household income of less than \$60,000. The Council plans to appropriate a fixed amount of money for the program in January and distribute it to those that have applied.

MPT Papanikolas opened the hearing at 7:07 p.m. Phil Ventura sought clarification on how the money would be distributed to applicants. If there was only 1 applicant would he receive the entire appropriated amount? MPT Papanikolas said each applicant would only receive a rebate of up to 10% on his tax bill and payouts will be limited by the total amount budgeted for the program. Other cities disburse such funds on a first come first served basis. This year, the Town will have to appropriate the funds without knowing how many homeowners may apply but will have a better sense next year. With no other comments, MPT Papanikolas closed the hearing at 7:09 p.m.

4. Approval of Minutes

CM Dewey moved and CM Sweep seconded to approve the August 14 Town meeting minutes. The motion passed 3 to 0.

5. Mayor's Report

There was none.

6. Department Reports

Administration-Treasurer's Report: Treasurer Rodriguez gave the Treasurer's report for August. She said that expenses during August were mostly related to the normal operational activities. The auditors have been in Town to go over the books and have not found any problems. The audit will be submitted to the State by October 30.

In response to CM Sweep, Treasurer Rodriguez said Highway User Revenues (HUR) have been restored to 93% of full funding and will be received in increments over the fiscal year. TM Broadbent added that the Town made sure that HUR receipts were correct prior to signing the road repair contract. Construction is slated to start next week to avoid any delays due to cold weather.

Town Manager's Report: TM Broadbent deferred to the department directors for reports about significant activities.

Code Compliance: Code Director Hollyce Goodwin reported last month the focus was on compliance with the Rental Housing Ordinance, the Clean Lot Ordinance and business licenses. Currently there are 282 rental units, 212 of them active. The Department issued 21 licenses and performed 18 rental inspections and 5 re-inspections. Further, the Department issued 7 clean lot violations and 4 courtesy notices. The bulk clean lot violations related to vehicle storage issues. Inoperable vehicles and vehicles having no tags must be covered with a tight-fitting cover or be enclosed in a garage. No more than 2 covered vehicles should be kept at any one property. All vehicles, trailers and boats must be parked on a hard surface.

Director Goodwin said the Department sent out business license applications to 110 businesses. Seventy-seven applications were returned, and 22 licenses have been issued. Compliance stands at approximately 70%. A significant number of license applications were returned with incomplete information and insufficient payments. Businesses that do not submit correct information and payment are subject to a \$50 fine. The Department also issued 4 building permits, 1 dumpster permit and 1 right of way permit to WSSC for installing new water and sewer lines on Pontiac Street. Residents are reminded that a Town building permit is required whenever a County permit is required.

In the coming week, Code officials will confer with the Public Works Department about yard waste and leaf disposal processes and how to best inform residents about them. The Code Department will participate in a multi-cultural event this Saturday hosted by the Police Department. It is hoped that it will make all residents feel welcome and give an understanding of how to better serve the needs of Town residents.

Parks, Recreation, Education & Civic Affairs: CM Dewey reported that the distribution of school supplies collected with the Backpack Project at BHES preview night was a great success. The donations were much appreciated. CM Dewey congratulated the Recreation Council on the successful completion of a summer concert series, concluding with a performance by the Berwyn Heights All Stars. Upcoming events include a Community Garden Party on October 14, the Ice Cream Social on October 19, Hello Huskies Night on October 20 and a Town cleanup on October 21. A Pet Pop-up Event will be held on October 5 featuring pet adoptions, microchipping and immunizations as well as a pet costume and talent contest. The annual Trunk or Treat Halloween Party will be held on October 19 and will include a stargazing activity.

Public Works: Public Works Director Hall announced that the new recycling Toters have arrived and will be distributed street by street within two weeks from now. TM Broadbent added that the containers are hot-stamped with the Berwyn Heights logo and will come with a packet of information about recycling rules. The old recycling containers may be used for yard waste. Director Hall continued that employees have begun to paint doors and trim at the Town Center and Town Office. This week the streetsweeper is in Town and residents are requested to move their vehicles off the street or to the other side of the street.

CM Dewey asked if there is any way to post a schedule of when particular streets will be swept. Director Hall said he can try to work out a schedule with the operator, but the sweeper can generally cover the entire Town one day and comes back to sweep areas that were missed. Director Hall reported that the street repair project will start next week on Osage Street. Signs will be posted this Friday. The curbs and gutters on a given street will be replaced first, followed by milling and repaving by an asphalt contractor. This project will be approximately one quarter the size of last year's project as funding is limited.

Public Safety: Chief Antolik remembered the fallen firefighters, police officers, and other first responders as well as thousands of civilians who fell on September 11, 2001 as a result of terrorist attacks on the World Trade Center and the Pentagon. A moment of silence was observed.

Berwyn Heights Volunteer Fire Department Matthew Huddle gave the report for the BHVFD. Renovations at the firehouse are progressing. The BHVFD obtained pet oxygen masks to use for rescues in response to a recent fire in Town. BHVFD fundraising letters will be sent out next week. Donations are always appreciated and will help pay for a new rescue squad and ambulance, which together will cost about \$2 million. School is back in session and everyone is requested to watch for pedestrians, especially when school buses are picking up or unloading students. Mr. Huddle concluded with run statistics for last month.

In response to a resident's question, Mr. Huddle said the BHVFD no longer goes door-to-door to fundraise and there have been scams using this method. The resident suggested that it may be more effective to engage residents directly. He enjoyed talking with volunteers when they came around.

Police Department: Detective Unger gave the police activities report. The Police issued 162 State and municipal citations and 90 speed camera tickets, carried out 2 arrests, impounded 4 vehicles, and patrolled approximately 3,200 miles. In August there were 8 Part I offenses, which is above the 5-year average of 6. Again, there were number of thefts from cars and residents are urged to lock their vehicles.

Detective Unger said the Police had all hands on deck for the first day of school, which as usual was a bit chaotic. Since then things have calmed down. This Saturday, BHPD will host a multi-cultural day in the station parking lot. All are invited. There will be free food and music and a variety of family activities. Lastly, BHPD has posted new signage at the station informing about the station's opening hours. The office hours are Monday-Friday 9:00 a.m. – 12:00 p.m. and 1:30 p.m. to 5:00 p.m.

In response to questions, Detective Unger and Chief Antolik said that the penalty for not stopping for a school bus that has the stop sign out is 5 points on the driver's license and \$275 for the first offense. The Town still operates speed cameras on Pontiac and on Greenbelt Road. The Greenbelt Road camera was moved to the Staples property because the City of Greenbelt said the old location near the 63rd Avenue crossing was within its municipal boundaries and entitles them to a portion of the revenue.

Phil Ventura, 57th Avenue, commented that during the September 11 attacks then Mayor Tawanna Gaines made the decision to deploy the Berwyn Heights Police to secure the College Park airport. Chief Antolik explained the BHPD was deployed to secure the airport because the Federal Aviation Administration had ordered all civilian flights to be grounded since no one knew at the time if additional attacks would occur.

7. Committee Reports

Education Advisory Committee: CM Dewey said the BHEAC will participate in Hello Huskies night on September 20. The BHES PTA welcomes all Town organizations to be a part of this back-to-school picnic and will provide tables and chairs.

Green Team: CM Dewey repeated that the pet pop-up event will be held on October 5.

Historical Committee: BHHC Secretary Debby Steele Snyder reported that the Historical Committee participated in National Night Out and will elect the officers for the next year at the September 25 meeting. The Committee is busy planning its fall event, which will celebrate the 100th anniversary of the Berwyn Heights Company.

Neighborhood Watch/Emergency Preparedness: There was no report.

Recreation Council: No one was present to report for the Recreation Council. CM Dewey reminded everyone of upcoming events.

8. Unfinished Business

Resolution 13-2019 Establishing a Comprehensive Fee & Fine Schedule: Clerk Harper read the Resolution. TM Broadbent explained this is the companion legislation to Ordinance 179, which was adopted at the August Town meeting. It adopts a comprehensive Fee & Fine Schedule that combines in one document all fees and fine previously attached to or embedded in various Town ordinances. This will make it easier for residents and staff to look them up. The new fee & fine schedule will be reviewed annually during the budget process to ensure that the fee amounts reflect the cost of services provided and the fines provide a deterrent for violations.

Clerk Harper advised that this Resolution was tabled at the August Town meeting and a motion should be made to take the Resolution off the table. CM Sweep so moved. CM Dewey seconded. The motion passed 3 to 0. CM Sweep then moved to approve Resolution 13-2019. CM Dewey seconded. The motion passed 3 to 0.

ORD 180 – 2nd Reading & Adoption of Homeowners Tax Credit Program: Clerk Harper read a summary of the Ordinance. CM Dewey noted that the Council amended the Ordinance during the first reading to move the submission due date for the Town's tax credit application from November 1 to December 1. The Council wanted to give residents more time to apply for the Town's tax credit program after receiving notice of approval from the State of Maryland. This document still carries the old date. She moved to amend Ordinance 180 to reflect the December 1 deadline. CM Sweep seconded. The motion passed 3 to 0. CM Dewey then moved to adopt Ordinance 180 as amended. CM Sweep seconded. The motion passed 3 to 0.

9. New Business

Resolution 19-2019 Purchase of Police Vehicle: Clerk Harper read the Resolution. Chief Antolik explained that the FY 2020 budget has funding for two police vehicles that was based on quotes for Dodge Durango interceptors. Subsequently, it was decided to purchase more fuel-efficient Ford

Explorer Hybrids. This police vehicle has received good reviews and meets the ergonomic and storage needs of BHPD officers. The vehicles are more expensive but are likely to save the Town money in the long run because of lower gasoline usage. TM Broadbent said this Resolution approves the purchase of one vehicle because there is not enough money in the budget to buy two hybrids. A second one may be purchased if the expected savings from the purchase of the refuse truck through a purchasing cooperative materialize.

CM Dewey said one advantage of hybrid vehicles is that they use much less fuel when idling, and police vehicles spend a fair amount of time idling. CM Sweep said that Montgomery County is purchasing hybrid police vehicles and Berwyn Heights is piggybacking onto their contract. MPT Papanikolas noted that Hyattsville moved ahead with purchasing electric vehicles for its police force. Chief Antolik clarified that they are not using the EVs for patrolling because the batteries do not last long enough for patrolling needs. With no further comments, CM Dewey moved, and CM Sweep seconded to approve the purchase of the police vehicle. The motion passed 3 to 0.

Resolution 20-2019 Appointment of Walkable, Bikeable Berwyn Heights Task Force Members: MPT Papanikolas welcomed the prospective members of the Task Force who were present. Clerk Harper read the Resolution. CM Dewey said this initiative is the result of a citizen approaching the Town Council with the proposal to set up a task force to look into making Berwyn Heights more pedestrian and bicycle friendly. Since the first discussion of the proposal in July, a dozen residents have volunteered to serve on the Task Force. Next, the Task Force will hold its first meeting on September 18, at which it will elect officers and establish a plan of operations and then meet two more times before submitting its recommendations. The meetings are open to the public and all are encouraged to attend.

James Wilkinson, Pontiac Street, suggested that WBBH members set up a table at Hello Huskies Night to advertise their formation and solicit input from the school community. He also asked what the timeline of WBBH meetings is as well as the due date of the final report. CM Dewey said the Task Force can set its own meeting dates. The Council hopes to have the WBBH recommendations by late January so that they can be considered for funding in the next budget cycle. TM Broadbent added that these types of recommendations are often implemented over time as properties are redeveloped by private entrepreneurs and new infrastructure projects completed by local governments or state agencies.

A resident asked when a pedestrian was last hurt in a traffic accident. Mr. Wilkinson said it was in 2008 when a Greenbelt Middle School student attempted to cross Greenbelt Road at 63rd Avenue. CM Dewey said all opinions about a walkable, bikeable Berwyn Heights are welcome whether they oppose changes because they believe the Town is already safe or support changes to improve safety and increase transportation options.

Genevieve DeMessieres asked if the Council believes the Task Force reflects the diversity of the community. CM Dewey replied she does not think so, but the Task Force includes all who volunteered. Recruitment of a diverse membership is a problem most Town committees and groups struggle with. However, the WBBH Resolution specifically states the Task Force must solicit the opinions of the full diversity of Town residents. The Council is in the process of constructing a survey seeking resident input on a variety of topics and may be a good vehicle for the WBBH Task Force to probe opinions on pedestrian and bicycle safety.

MPT Papanikolas noted that the Council reached out to high school students to add them to the Task Force, but the timing did not work for them. In response to CM Dewey, he said the swearing-in of

members can take place at the first meeting of the Task Force. With no further comments, CM Dewey moved, and CM Sweep seconded to approve Resolution 20-2019 appointing the members of the WBBH Task Force. The motion passed 3 to 0.

10. Citizen Discussion

Jason Meier, Berwyn Road, brought a rental licensing complaint. He said he purchased a house in Berwyn Heights in 2007 and lived there until 2017. The house is now a rental property. His rental license expired at the end of June 2019 and to renew it he had to have the house inspected and obtain a lead-free certificate. This process was completed on August 21, 2019. The Town then issued a one-year license with an effective date of July 1, 2019. But the rental did not have a license in July and August. He believes the starting date for a license should be the date when it is issued, i.e. after the license renewal requirements have been satisfied. He spoke with TM Broadbent about this, but her explanation did not make sense to him.

TM Broadbent said the effective date for a new license is the day after the expiration of the old license, regardless of whether all the paperwork for license renewal has been completed. There is no gap between two license periods during which the rental home is not licensed. If tenants lived in the house during the renewal period, Mr. Meier would technically be subject to \$400 fine for renting without a license. Mr. Meier replied, in his opinion, saying a license is in effect prior to completion of the renewal requirements does not make it so. He believes the Town's licensing timeline is messed up and should be modified. When a driver's license is due for renewal, the MVA sends out a notice to renew months prior to the expiration date so that the paperwork can be completed ahead of time.

The Council said there are multiple layers to this problem which cannot be resolved tonight. Mr. Meier was advised to fill out a form to request a code appeal, specifying the issue he is appealing. A hearing will then be scheduled for a future worksession.

Drew Carlisle, 57th Avenue, asked if the Town would be liable if there were a fire or other accident at the rental house in the period before a new license is issued. TM Broadbent replied the Town would not be liable for any injuries or damage occurring at rental house due to the negligence of the rental owner. These are questions that may be addressed during a code appeal.

Phil Ventura added to his previous comments about the September 11 attacks. He said for a small Town, BHPD played an important role in interdicting the College Park airport. Later it was learned that the attackers had flight training at local airports, including in Bowie, and could have potentially used College Park Airport to launch another attack. On a personal note, his wife who works for the federal government, made it home quickly and safely on the day of the attacks, but remained spooked by low flying airplanes for a while.

The meeting was adjourned at 8:44 p.m.

Signed: *Kerstin Harper*, Town Clerk